The Chartered Surveyors' Institution

(*Incorporated by Royal Charter*)

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SESSION 1945-46

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VOL. LXXVIII. PART I.

Transactions

of

The Chartered Surveyors' Institution

SESSION 1945–46.

AT THE ORDINARY GENERAL MEETING

Held at the Chartered Surveyors' Institution on Wednesday, 13th June, 1945, at 2.30 p.m.

The following Paper read and discussed :—

WAR DAMAGE RECONSTRUCTION

UNDER THE TOWN AND COUNTRY PLANNING ACT, 1944.

By Henry W. Wells (Fellow), F.A.I., Chief Estate Officer to the Ministry of Town and Country Planning.

[*Having been given temporary leave of absence from private practice and being for a while in the service of the Government, I must emphasise that the views expressed in this paper are my own and do not necessarily represent those of the Department which I serve.*]

Reconstruction will take long.

1. An Act of Parliament alone does not rebuild houses or restore a shattered economy or bring life to a ruined and desolate commercial centre. Destruction is easy. Great commercial centres, the natural growth of which many generations have cherished and nurtured, have almost disappeared in a night. Restoration is relatively long and arduous. Let us therefore keep this problem of reconstruction in perspective and recognise that, whatever possible measures be taken, we are likely to see for many summers the blooms of the wild willow herb where it has sown itself on many a site of a hitlerised building. But what more fitting war memorial can surveyors offer than the giving of their best to the imaginative reconstruction of these war-scarred areas ?

Partnership of State, Local Authority and Private Enterprise.

2. The Town and Country Planning Act, 1944 provides the machinery for the orderly reconstruction of war devastation. Labour and materials, initiative, imagination and boldness the Act cannot provide. The success or failure of

the reconstruction machine is in the hands of that same partnership which has, all things considered, worked so well during the European war. I mean the partnership between State, Local Authority and Private Endeavour. I see no reason why the partnership should not be equally successful in peace. But—what job is allocated to each of the partners ? How does the reconstruction process work ? What part does the surveyor play ? These are the questions I shall try and answer to-day.

A Planning Act, not only an Acquisition Act.

3. Unlike previous Planning Acts, the 1944 Act does not (except where it amends previous statutes) rely upon regulatory control as a means of securing sound planning. It introduces the acquisition of land and its subsequent disposal (normally by way of lease) as a more positive method of bringing about good development. It has been called an acquisition Act and not a planning Act. In fact it can be either ; if it is used timidly it is no more than the former ; if boldly, it is very definitely, the latter. The powers in the Act enable any sized area, whether war-damaged or obsolescent, be it a ¼-acre or a thousand acres, to be acquired by the Local Authority, but the size is primarily settled in any particular case by the extent of the " natural planning unit," that is to say, the area which " should be laid out afresh and redeveloped as a whole."

The problems to be considered, and the methods of applying the Act to them may be different if the area under contemplation is just a few acres or if it is, say, 50 acres or more. This paper is written primarily with the larger centres of devastation in mind, such as those in parts of the County of London, the City of London, Plymouth, Bristol, West Ham, and the many other unfortunates.

Three main stages.

4. The process of reconstruction under the Act falls conveniently into three main stages but, as will be seen later, these stages cannot be considered as isolated one from another since each stage has a practical relation to the others. The main stages are :—

(A) The planning of the locality in which the area to be acquired is situated.

(B) Acquisition by the Local Authority.

(C) Disposal.

(A) The Planning of the Locality.

Local Authority must prepare a Plan.

5. The Minister is responsible under the Act for ensuring that the land acquired by the Local Authority is disposed of so as to secure a comprehensive pattern of redevelopment properly linked up with proposals for the surrounding locality. That is the main purpose of the Act. The Minister must, therefore, have agreed to a " working drawing " as the basis for disposing of the land before giving his approval to any disposals. Furthermore, it may not be possible to decide the exact extent of the area (i.e. the " natural planning unit ") which should be acquired until reconstruction proposals have been worked out at least in outline. As will be noted in paragraph 10 (*b*), absence of a plan does not necessarily prevent the Local Authority from acquiring in certain circumstances.

Local Authority consults representative bodies of citizens.

6. The Local Authority, although responsible for the plan's preparation, does not " dictate " the new layout to its citizens, who are, in so far as it is practicable, consulted on the plan and whose point of view is heard and balanced against other considerations. The final arbiter as to what is the proper plan is, naturally enough, the Minister. Not every citizen is likely to be satisfied, because some, unfortunately, will feel that they must consider planning proposals from a sectional point of view. But I do most earnestly plead that the professional advisers of owners will use their influence to ensure that an imaginative and statesmanlike plan, which finds the fair and proper compromise between conflicting interests, finally emerges. The surveyor can help, whether he is acting for a public authority, landowner, or business interest. The more that valid objections can be considered informally before the proposals are submitted to the Minister, the quicker and more smoothly will the planning proceed in the long run. Co-operation, during the preparation of the plan of the reconstruction area, between the Local Authority and representative bodies of the citizens, whose views are likely to be useful, is not only the best way to plan but also prevents delays and difficulties subsequently.

Plan, even when confirmed by Minister, is flexible.

7. The reconstruction proposals never receive statutory approval, as in the case of schemes under the 1932 Act. Should the Local Authority wish to alter the proposals after the Minister has confirmed them, there is therefore no objection provided the Minister approves ; but the latter may consider that the alteration is sufficiently drastic to require that the public should be allowed to express their views on the proposed amendment. The Minister has general powers to hold an inquiry into anything which he thinks fit (Section 51). On the one hand, it would be surprising if some alterations to the confirmed plan are not considered desirable during the years of reconstruction, at any rate in so far as the larger reconstruction areas are concerned. On the other hand, it is reasonable to assume that the broad layout of the area must, for engineering reasons (e.g., construction of the more important roads, services, etc.), become crystallised in the early days. The more detailed planning of the area is. however, likely to be fluid and influenced by events (particularly disposals) during the physical reconstruction period.

Broad plan only necessary in order to justify acquisition.

8. The Minister may, under the Act, authorise acquisition on the submission of proposals which are only broadly stated. But if this course is adopted by the Local Authority an inquiry or hearing into the more detailed planning proposals may be necessary subsequent to the inquiry into the proposal to acquire. I think most Local Authorities will, in order to prevent two inquiries, submit fairly comprehensive plans with their application for authorisation to purchase, thus enabling the planning and the acquisition proposals to be ventilated in public at the same time. An exception to this is on the submission, for the Minister's approval, of a Compulsory Purchase Order under Section 2 (2) (see paragraph 10 (*b*) and 13 below).

Overspill.

9. If there is an overspill problem which can only be dealt with by the acquisition of land outside the " area of extensive war damage," a plan showing how the overspill area is to be developed must also be submitted to the Minister.

(B) Acquisition by the Local Authority.

Three main acquisition procedures.

10. The Local Authority has the choice between three main courses in regard to the acquisition of land within " an area of extensive war damage."

(*a*) Application for a Declaratory Order under Section 1 for the whole of the area to be redeveloped, supporting their application by their proposals for redevelopment.

(*b*) Compulsory Purchase Order under Section 2 (2). This procedure will normally be followed when no proposals for redevelopment have yet been prepared ; but the procedure is only applicable where the case for the acquisition of the area is both urgent and self evident.

(*c*) A combination of (*a*) and (*b*), that is to say, by Declaratory Order under Section 1 for part of the area where proposals are ready and by Compulsory Purchase Order under 2 (2) for other parts where proposals are incomplete. The two procedures (i.e. (*a*) and (*b*)) may run contemporaneously in respect of the same land.

It is anticipated that the most usual procedure will be (*a*).

Appendices.

11. Attached to this paper are two appendices. Appendix I shows the stages of the process of acquisition under Section 1 (Declaratory Order) followed by Section 2 (1) (Compulsory Purchase Order). Appendix II shows the process under Section 2 (2) (Compulsory Purchase Order only). Both Appendices are prepared on the assumption that the Compulsory Purchase Order provides for the expedited procedure under the Sixth Schedule. As the procedures as set out in both appendices are novel and important I consider that it is worth while if I comment briefly on some of the stages.

Comments on Appendix I.

12. *Stage* (1). *Publication of intention to apply for Declaratory Order* (*Section* 1 (4)).—This is to enable the public to know that an application for a Declaratory Order by the Local Authority may be made after eight weeks from the advertisement of their intention. At any time after this preliminary publication the owner of any land in the area intended to be designated in the application may require the Local Authority to serve on him any subsequent notices concerning the Declaratory Order (Section 1 (12)). This is important because otherwise owners will only know of what is happening through the medium of advertisements in the press, etc.

Stage (2). *Application to Minister for Declaratory Order* (*Section* 1 (5)).—The Declaratory Order, when made by the Minister, allows the Local Authority to purchase by Compulsory Purchase Orders any of the land covered by the Declaratory Order. But objections to the C.P.O.'s following a Declaratory Order are treated by the Minister as irrelevant if the objections are " made on the ground that the purchase is unnecessary or inexpedient." Owners have full rights of objection to being included in an area designated in an application for a Declaratory Order before the Minister makes such an Order. The Declaratory Order stands more or less indefinitely but owners, in particular those whose properties are still war damaged, may ask the Local Authority to acquire their interests or relinquish their rights so to do, if

the authority have not exercised their rights to purchase at the end of five years as from a date to be appointed (Section 2 (4)). (This date has not yet been appointed by the Minister.)

Stage (3).—No comments.

Stage (4). *Advertisement and Notices that application for Declaratory Order has been made* (*Section* 1 (7)).—No notices are served on owners unless they have made the request (Section 1 (12)). Objectors have at least 28 days in which to lodge objections.

Stage (5).—No comment.

Stage (6). *Local Inquiry or Hearing* (1*st Schedule*).—There is not necessarily an Inquiry. It is left to the Minister's discretion as to whether " the matters to which the objection relates are such as to require investigation by a public local Inquiry." I think we can assume, however, that there will be an inquiry in all cases where the area concerned is sizeable.

The Minister must consider all objections, but may not necessarily give the objector an opportunity of being heard ; unless the objection was frivolous he would, however, find it difficult not to hear the objector. The general tone of the 1st Schedule which governs the " dealing with objections " seems to envisage more of the conference room than court room atmosphere. I sincerely hope that such an atmosphere can be created when the Minister's Inspectors " take the chair " at inquiries or hearings. There was, in my view, too much pomp and circumstance about some 1932 Act Scheme Inquiries and, if I may say so, too much law ! Enquiries under the 1944 Act should and can be on a somewhat different basis.

Normally the Inquiry will be into both the expediency of making the Declaratory Order and the merits of the reconstruction proposals (see my comment in paragraph 8).

Stage (7). *Minister makes Declaratory Order* (*Section* 1 (8)).—The Minister has no power to increase the area designated in the application unless all persons interested agree.

If the merits of the reconstruction proposals have been publicly examined at the same time as the expediency of making a Declaratory Order, as will, I think, be the most common desire of Local Authorities, the Minister will express his views at this stage as to what plan should form the basis of disposals after acquisition.

Stage (8).—No comments.

Stage (9). *Declaratory Order becomes operative from date of first advertisement unless challenged within* 28 *days* (*Section* 16).—This period enables the legal validity of the Order to be challenged in the High Court—one hopes an event which will never occur.

Stage (10). *C.P.O. made by Planning Authority and submitted to Minister* (*Section* 2 (1)).—The authority may include the whole of the Declaratory Order area in one C.P.O. or they may programme their C.P.O.'s so as to fit into the physical reconstruction programme. In any case the whole of an individual C.P.O. need not be enforced at once ; but the Local Authority

must acquire within three years or relinquish their compulsory acquisition rights. The door is of course never closed to purchase by agreement.

Stages (11) *and* (12). *Consideration and Advertisement of C.P.O.* If a person desires to receive subsequent notice of the confirmation of the Order, he should make his request at these stages (2nd Schedule, paragraphs 2 and 5 (*a*)). The previous request (referred to in Stage (1)) only refers to notices in respect of the Declaratory Order.

Stage (13). *Period of Objections to C.P.O.* (*2nd Schedule* 2 (1)).—There must be a period of 28 days as from the advertising of the C.P.O. in which objections can be made but as I mentioned in connection with Stage (2) above, the Minister may treat objections as irrelevant if they are " on the grounds that the purchase is unnecessary or inexpedient."

Stage (14).—No comments.

Stages (15) *to* (17). *Confirmation of C.P.O. and Advertisement, etc. Registration of Order as Local Land Charge—Notice to treat deemed to have been served* (*2nd Schedule : Section* 16, *6th Schedule*).—The Compulsory Purchase Order may provide for expedited completion under the 6th Schedule. If this is the case (as has been assumed in both Appendices) notice to treat is deemed to have been served on all the classes of interests in the land covered by the C.P.O. as from the date that the Order is registered as a local land charge (Stage 17). The confirmation of the C.P.O. by the Minister (Stage 15) invites all who have an interest in the land concerned to furnish the purchasing authority with details of their interest. No individual owner is served with a notice. From the authorities' point of view the tedious and lengthy process of referencing preparatory to serving individual notices to treat is thus eliminated. The professional advisers of owners of interests in land have, however, as a consequence to be more vigilant than under the old compulsory purchase procedures.

Stages (18) *and* (19). *Declaration of intention to enter and entry.*—Any time after the coming into operation of the C.P.O. (but not less than two months from the publication of the confirmation, unless otherwise stated in the order) the acquiring authority may declare their intention to enter any part of the land at the end of a stated period (not less than 14 days). The land so designated vests in the authority at the expiration of the stated period.

Notice of the declaration of entry must be served on all occupiers and those owners who have given the authority details of their interest.

So much for the procedure as under Appendix I.

Comments on Appendix II.

13. The Minister may authorise compulsory purchase under Section 2 (2) by confirming a Compulsory Purchase Order in respect of land in an area of extensive war damage where he is satisfied that the postponement of the acquisition would be prejudicial to the public interest. No supporting proposals as to how the land will be laid out need accompany the application for confirmation of a C.P.O. made under this subsection. Where this procedure is justified and followed and the

Declaratory Order stage omitted, considerable time is saved by the authority in obtaining possession of the land. Owners, however, have rights of objection to the Compulsory Purchase Order. (Where the procedure begins with an application for a Declaratory Order, owners have their full rights at that stage and virtually no rights at the C.P.O. stage). The first chance that interested persons have of asking for notices of the confirmation of the order to be served on them, is when the notice that the order has been made is published.

Stage 2 as shown in Appendix II is worth comment. I think it can be taken that the Minister will only direct the Local Authority to serve notices on owners in those cases where the area concerned is small and there are few owners and where the owners are by all reasonable standards unlikely to have otherwise known about the C.P.O. (i.e. from statutory advertisements and unsolicited publicity). This does not apply to a C.P.O. preceded by a Declaratory Order where the owners must rely entirely on advertisements in press and *Gazette* (see Stage 12, Appendix I).

The procedure from the confirmation of the C.P.O. (Stage 7 in Appendix II) is the same as in Appendix I.

I doubt whether Section 2 (2) will be extensively used but its use must, *ex hypothesi*, be during the very early days of reconstruction. Furthermore there is a three-year time limit from the appointed date (which is not yet appointed) on the operation of this subsection. The appointed date is for fixing a terminating date, not a starting date.

Balance between expediency and "rights" of landowners.

14. Where war damage reconstruction is concerned the speed of acquisition may be of great importance. I think, however, that you will agree that the interests of landowners have been protected as sufficiently as they can be having regard to the importance of expedition. Even the most rapid machinery of compulsory acquisition as devised under the Act (i.e., under Section 2 (2) followed by the "expedited procedure") will take several months.

(C) Disposals.

The Importance of Disposals.

15. The preparation of reconstruction proposals, the acquisition and "clearing" of an area, are but the preliminaries to disposals which are the climax of the reconstruction process. Section 19, which governs the Local Authorities' and the Minister's rights and obligations in connection with disposals, is therefore one of the most important Sections in the whole Act. Disposals are of two main kinds:—

(*a*) Disposals to private enterprise for development normally by way of ground lease;

(*b*) Appropriations or transfers of land to Local Authority development (e.g., roads, municipal housing, schools, etc.).

I suggest that we need only concern ourselves to-day with (*a*).

Planning, Acquisition and Disposal have bearing on each other.

16. It will be remembered that in my opening remarks I suggested that the three main stages (Planning, Acquisition and Disposal) in the process of reconstruction all had a bearing on each other. Although it is clear that the Local Authority

cannot grant a lease of the land until it has been acquired, it may in some circumstances be inconvenient to dissociate the acquisition from the disposal negotiations. I am thinking of the case where an owner desires to be re-sited in the new layout. Furthermore, it may be wise to allow the detailed planning of the reconstruction area to be influenced by the wishes of key developers, as for example, a department store. The sensible reconstructing authority should recognise these problems.

17. The Minister in a speech to the National Housing and Town Planning Conference on the 1st March, 1945, gave an indication as to the broad policy on which he proposes to administer his responsibilities in regard to disposals. I do not think I can do better than quote two passages from his speech :—

"It is our intention that in general Authorities who purchase land under the Act shall remain ground landlords of that land. The way is left open to exceptions under the Act. We have in mind such cases as those in which land is required for ecclesiastical purposes, or perhaps for university buildings, or for other cultural non-profit-making purposes of a permanent character. The principles of leasehold tenure are well established and I would deprecate exaggerated views of the alleged disadvantages which they entail upon developers. I shall encourage Local Authorities to grant leases in accordance with the expected useful life of the buildings, so that the leases will fall in at the time when a further stage of redevelopment has become due. Ninety-nine years is a fairly long time for the life of a building other than a building which is in the nature of a public monument. Most other buildings—certainly most commercial buildings—have outlived their usefulness at the end of that period if not before. It should, I think, be quite practicable for an Authority to cater for the needs of its citizens by a just and well thought-out leasehold system."

* * * * *

"I hope presently to have on my staff a small number of Estate Surveyors—men with the professional qualifications and experience required for the task—who will be available for consultation and who will work with Local Authorities and with our own Regional Planning Officers. An arrangement has also been agreed in principle, and is now being worked out in detail, under which it will be possible for Local Authorities to have the assistance of the District Valuer in these matters. I am also in consultation with the professional bodies and hope to be able in the immediate future to appoint an advisory body at the centre, consisting of men of eminent standing in the world of estate management, upon whom I and my successors might rely for counsel and advice.

"The Local Authorities themselves, of course, must decide upon their own staffing arrangements. I have no doubt that in some cases at any rate the appointment of specialist officers to deal with the estate development and management of these great urban sites will follow sooner or later. I think it should be so."

The Advisory Body to which the Minister refers is now being set up and I hope will soon be functioning. I believe that it will serve as a very useful and important clearing-house for the many problems which will face Local Authorities in their capacity as large ground landlords. Many of the problems which they will have to face are novel and the Minister appreciates the desirability of obtaining the advice of the surveyor's profession.

18. There are innumerable problems in regard to disposals. Some of these I dealt with in a paper entitled "Planning by Lease Control" which was published last November in the Chartered Surveyors' Institution *Journal*. I hope, therefore, that you will agree that there is no necessity for me to cover now all the ground explored in that paper.

Important points in connection with Disposals

19. There are, however, certain points which I ought not to allow to pass without comment :—

(i) Under Section 19 (4) the Minister's consent is necessary to every disposal by the Authority of any land acquired under the

Act, but his consent can be given to classes of disposals. This is important, as the disposal, normally by lease, is the instrument by which the drawing board plan of the area is turned into bricks and mortar. It is in short " the planning instrument " and the Minister would not be discharging his responsibilities as Minister of Planning if he were to relinquish his right to know what is going into the leases and if he did not, broadly speaking, influence things in the proper direction should they be going awry.

(ii) The disposal of land must be by lease (of 99 years or less) apart from exceptional circumstances. The exceptional circumstances are likely to be strictly limited but might include the erection of churches or university buildings which are built to last hundreds of years. Normally, I think we can take it that the Minister will see, as he has publicly indicated, that the length of the lease conforms roughly with the anticipated life of the buildings to be erected thereunder.

(iii) Under Section 19 (6) the acquiring Authority and the Minister must so exercise their powers in connection with disposals " as to secure so far as may be practicable that persons who are living or carrying on business or other activities " on the land which has been acquired by the Authority have an opportunity of obtaining land in the new layout " on terms fixed with due regard " to the price at which their land has been acquired from them. Anyone wishing to get the advantage of this subsection must be prepared to comply with the requirements of the Authority as to the development and use of the land. My own view is that the effect in practice of this subsection will be that displaced residents and business people will be given as fair a deal as possible provided that they go back to the area, if that is practicable, and are prepared to do what the Authority require. In short, this subsection enables them to be given special treatment as compared with the outsider but they have no absolute rights to insist that they go back. I would not like to put it higher than that.

Development by Local Authorities.

20. Although not strictly a question of disposal, I think I should refer to the powers conferred on Local Authorities by Section 20 under which they can carry out development themselves. (This covers any development not covered by existing legislation.) The Minister cannot approve municipal development under this Section " if it appears to him that a person other than the Local Planning Authority is able and willing to carry it out at such time and in such manner as may be requisite for meeting the purpose for which it is needed." In order to ascertain whether there is any such person the Minister may direct the authority to advertise appropriately. It must be assumed that the land in question would be made available on reasonable terms. Furthermore, the limitation is not to have effect " in the case of subsequent operations forming part of a project in the initiation of which the Authority have incurred expenditure if those operations ought in the opinion of the Minister to be carried out by them in order to enable them to balance their expenditure in connection with the project as a whole." It may well be that in the initial stages of reconstruction a certain amount of development by the Local Authority would be advisable in order, for example, to enable displaced small

tenant shopkeepers to be provided for and also in order to assist the rapid getting under way of the rehabilitation of commercial centres.

CONCLUSION.

Other important points. 21. I am conscious that there is a very great deal which I have left unsaid and that there are many important enactments bearing on war damage reconstruction in the 1944 Act which are worthy of mention. I have in mind, *inter alia*, the following :—

(i) The responsibility imposed on the Minister to have regard to the financial effect of the reconstruction proposals ; (Section 7).

(ii) The terms and basis on which State financial assistance is given to reconstructing Authorities ; (Sections 5–8).

(iii) The special powers relating to highways.

(iv) The special procedure where statutory undertakers are involved.

(v) Authorisation to interfere with easements, etc. ; (Section 22).

(vi) The 1944 Act and its relation to the Licensing Planning (Temporary Provisions) Act, 1945—an Act concerning a very important subject.

(vii) Most important of all, the new compensation code.

Compensation provisions apply to all compulsory acquisitions. 22. I will do my best to answer queries on these matters, and the whole paper, in the discussion which I understand will follow the reading of this paper. I do, however, ask you not to devote too much of the discussion to the compensation provisions, as these are not the peculiar responsibility of the Minister of Town and Country Planning and, furthermore, this paper has been written to give you a picture of the process of reconstruction of war damage and I have deliberately not discussed these compensation provisions which require to be dealt with in a paper as large, if not larger, than this one.

Future legislation. 23. During the last few years we have seen many changes but none, I believe, are more fundamental to the future of the internal structure of the British State than the change in outlook concerning the right use of land. Most of us have a fairly clear conception of what we should like the result to be but there are still grave differences of opinion as to how that result should be obtained. There are many leaders of thought on this latter problem among the members of this great Institution. We, of the profession of the land, have a great responsibility. A full understanding of this latest planning Act and, when it has been operating for some little time, a statesmanlike analysis of its working made by unbiased minds, should do much towards finding the right answer to the many still unsettled issues appertaining to the control of land use.

24. In conclusion I hope that this paper has been of some help to you in understanding the working of this new legislation, the importance of which cannot be exaggerated, and I thank you for listening to me.

APPENDIX I.

Declaratory Order under Section 1 *followed by Compulsory Purchase Order under Section* 2 (1) *of Town and Country Planning Act*, 1944.

N.B.—C.P.O. providing for expedited procedure under 6th Schedule.

	Stage.	*Reference.*
1.	Publication of intention to apply for Declaratory Order (minimum time before application eight weeks). Persons may ask for service of subsequent notices.	Sec. 1 (4).
2.	Application to Minister for Declaratory Order ...	Sec. 1 (5).
3.	Minister considers adequacy of statement, maps, etc., accompanying application and authorises planning authority to proceed.	Sec. 1 (6) and 1 (7).
4.	Advertisements and notices (to those who have requested) that application has been made. Time allowed for objections (28 days).	Sec. 1 (7).
5.	Further consideration of Declaratory Order, maps and descriptive matter, consultations, consideration of objections. *Note.*—This stage is likely to proceed concurrently with 4 above.	Sec. 1 (7).
6.	Local Inquiry or Hearing	1st Sch.
7.	Minister makes Declaratory Order	Sec. 1 (8).
8.	Advertisement of Declaratory Order—Notices (to persons who have requested to be notified).	Sec. 1 (11).
9.	Declaratory Order becomes operative from date of first advertisement unless challenged in High Court within 28 days.	Sec. 16.
10.	C.P.O. made by planning authority and submitted to Minister.	Sec. 2 (1).
11.	Consideration by Minister of C.P.O., maps and descriptive matter.	
12.	Advertisement of C.P.O. Persons may ask for notice of confirmation of Order.	2nd Sch. 2 (1) (3);
13.	Period of objections to C.P.O. (28 days) ... ... *Note.*—Stages 11, 12 and 13 will proceed concurrently.	2nd Sch. 2 (1).
14.	Consideration of objections	1st Sch.
15.	Confirmation of C.P.O. and advertisement—Notices to persons who have requested to be notified.	2nd Sch. 5.
16.	C.P.O. becomes operative from date of publication of notice of confirmation unless challenged in the High Court within 28 days.	Sec. 16.

(*continued overleaf.*)

	Stage.	*Reference.*
17.	Registration of C.P.O. as Local Land Charge—Notice to treat deemed to have been served.	6th Sch. 1 (1) and (2).
18.	Declaration of intention to enter (minimum two months, unless C.P.O. provides for a shorter period).	6th Sch. 3 (1) and (2).
19.	Not less than 14 days' notice of entry following Declaration.	6th Sch. 3 (1) (*a*).

APPENDIX II.

Compulsory Purchase Order under Section 2 (2) *of Town and Country Planning Act,* 1944, *providing for expedited procedure under* 6*th Schedule.*

	Stage.	*Reference.*
1.	C.P.O. made by Council and submitted to Minister...	Sec. 2 (2).
2.	Minister considers necessity of service of notices on owners.	2nd Sch. 2 (4).
3.	Further consideration of C.P.O., maps and descriptive matter.	2nd Sch. 2 (1)–(3).
4.	Advertisement of C.P.O. Persons may request service of subsequent notices.	
5.	Period for objections (four weeks) ... ... *Note.*—Stages 3, 4 and 5 will proceed concurrently.	2nd Sch. 2 (1).
6.	Hearing	1st Sch.
7.	Confirmation of C.P.O. and advertisement—Notices to persons who have requested to be notified.	2 Sch. 5.
8.	C.P.O. becomes operative from date of publication of notice of confirmation unless challenged in High Court within 28 days.	Sec. 16.
9.	Registration of C.P.O. as Local Land Charge—Notice to treat deemed to have been served.	6th Sch. 1 (1) and (2).
10.	Declaration of intention to enter (minimum two months, unless the C.P.O. provides for a shorter period).	6th Sch. 3 (1) and (2).
11.	Not less than 14 days' notice of entry following Declaration.	6th Sch. 3 (1) (*a*).

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